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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,765	11/08/2000	Haruo Soeda	0879-0285P	9947
2292	7590	05/17/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			TRAN, DOUGLAS Q	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/707,765

Applicant(s)

SOEDA ET AL.

Examiner

Douglas Q. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-22 is/are pending in the application.
- 4a) Of the above claim(s) 2-5, 10-12, 14-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-9 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-913)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of group II including claims 6-9 and 13 in the reply filed on 1/27/05 is acknowledged.

Applicants respectfully reserved the right to file a divisional application for the non-elected claims from group I (claims 2-5 and 12) and group III (claims 10-11 and 14-22).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-9, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banton (US Patent No. 6,048,117) in combination with Furuya (US Patent No. 6,297,873 B1).

As to claim 6, Banton teaches an image outputting system (fig. 1), comprising:

an image outputting apparatus (i.e., a multi-function device 15 in fig. 1) comprising:

a reading device (i.e., a scanner 20 in fig. 1), which reads an image (the scanner 20 for reading the original image);

a printing device (i.e., a printer 25 in fig. 1) which prints the image (the printer 25 for printing the original image);

a network connecting device (i.e., a LAN Port 40 in fig. 1) connectable to an external device (i.e., a calibration server 80 in fig. 1) via a network (10 in fig. 1; col. 3, lines 24-25); and

a correcting device (i.e., a controller 35 in fig. 1) which corrects printing color based on printing color correcting information (i.e., the color correction table) received via the network (col. 3, lines 36-38: a calibration server 80 is a device configured to perform calibration based on received color patch test patterns from the test pattern 100 which is generated by the multi-functional device 15 “col. 3, lines 45-50”. Col. 4, lines 13- 46 describes that the calibration server 80 for processing the calibration print 100, and generating the color correction table “col. 4, lines 34-39” which is transmitted back to the correct printing device such as the multi-function device 15. Thus, the controller 35 “fig. 1” of the multi-functional device 15 can applied to the color correction table for correcting printing color tone.

It is noted that the color correction table, which would be considered as the printing color correcting information, is applied for correcting the printing color tone at the multi-function device 15 “fig. 1”; and the controller 35 “fig. 1”, which controls the multi-functional device 15, would be considered as the correcting device for correcting printing color tone based on the color correction table provided by the calibration server 80); and

a network server (i.e., a calibration server 80 in fig. 1) connected to the network for sending the printing color correcting information (i.e., the color correction table) to the image outputting apparatus via the network (col. 4, lines 13- 46 describes that the

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calibration server 80 for receiving and processing the calibration print 100 from the multi-functional device 15 “fig. 1”, and generating the color correction table “col. 4, lines 34-39” which is transmitted to the correct printing device such as the multi-function device 15).

However, Banton does not teach the image outputting apparatus comprising a humidity measuring device which measures humidity in proximity to the printing device; and the correcting device corrects printing color based on printing color correcting information and the measured humidity.

Furuya, in the same field of endeavor “printing color processing”, teaches the image outputting apparatus (10 in fig. 1) further comprises a humidity measuring device (i.e., a temperature sensor 82 in fig. 1) which measures humidity in proximity to the printing device (col. 9, lines 39-44); and the correcting device (i.e., the computing processing section 80 in fig. 4) corrects printing color based on printing correcting information related to the measured humidity (col. 10, lines 25-27 describes that the computing processing section 88 “fig. 4” for computing a correction value for calibration from environment information “i.e., the measured temperature and humidity” obtained by the temperature sensor 82 “fig. 4”).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the print controller 15 of Banton for correcting the printing color based on not only the received correcting information but also the humidity measured by the humidity measuring device as taught by Furuya. The suggestion for modifying the print controller of Banton can be reasoned by one of ordinary skill in the art as set forth above by Furuya because the modified controller would increase the efficiency of the printing system by

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correcting the print color when the humidity of the printer change at the printing time. Such a modification would improve the image quality on the recording materials.

As to claim 7, Banton and Furuya disclose every feature discussed in claim 6.

Although Banton does not explicitly teach the calibration server receives more condition such as the measured humidity from the printer so that the color correction table (i.e., the printing color correcting information) is generated based on the received status of the measured humidity, the calibration server receives more conditions of the printer and the color correction table generated based on more conditions including the measured humidity information which would be obvious to the teaching of Banton because the measured humidity condition which would be among the status conditions of the print device, which is well known in the prior art and taught by Furuya in claim 6 above.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the color correction table of Banton to be generated based on the received conditions of the multi-function device including the measured humidity condition. The suggestion for modifying the color correction table of Banton can be reasoned by one of ordinary skill in the art because the modified color correction table would provide more efficient correction of the printing color at the multi-functional device.

As to claim 8, Banton and Furuya disclose every feature discussed in claim 6. Furuya further teaches the image outputting apparatus (10 in fig. 1) further comprises a humidity measuring device (i.e., a temperature sensor 82 in fig. 1) which measures humidity in proximity to the printing device (col. 9, lines 39-44); and the correcting device (i.e., the computing processing section 80 in fig. 4) corrects printing color based on a history of the measured

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humidity (i.e., the previous calibration history information stored in the calibration history memory 84 “fig. 4”) (col. 10, lines 25-31 describes that the computing processing section 88 “fig. 4” for computing a correction value for current calibration from a plurality of conditions of the printer including the current environment information “i.e., the measured humidity” obtained by the temperature sensor 82 “fig. 4” and the previous calibration history information which would inherently store the previous measured humidity).

As to claim 9, Banton and Furuya disclose every feature discussed in claim 8.

Although Banton does not explicitly teach the calibration server receives more condition such as the measured humidity from the printer so that the color correction table (i.e., the printing color correcting information) is generated based on the received status of the measured humidity, the calibration server receives more conditions of the printer and the color correction table generated based on more conditions including the measured humidity information which would be obvious to the teaching of Banton because the measured humidity condition which would be among the status conditions of the print device, which is well known in the prior art and taught by Furuya in claim 8 above.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the color correction table of Banton to be generated based on the received conditions of the multi-function device including the measured humidity condition. The suggestion for modifying the color correction table of Banton can be reasoned by one of ordinary skill in the art because the modified color correction table would provide more efficient correction of the printing color at the multi-functional device.

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As to claim 13, Banton and Furuya disclose every feature discussed in claim 6. Furuya further teaches the image is a photographic image or characters from a handwritten document (col. 7, lines 31-33 indicates that the image would be a photographic image from a photograph film).

Response to Arguments

Applicant's arguments filed 8/03/04 have been fully considered but they are not persuasive.

Applicant asserted in page 16 that: "The combination of the reference teachings fail to provide an artisan of ordinary skill with a suggestion or motivation that the combination suggest or teach that "a correcting device which corrects printing color, based on printing color correcting information of printing paper characteristics" and "measured humidity" received by "a network server." Furthermore, a person of ordinary skill in the art at the time of making the invention must also have had a reasonable expectation that the combination of Banton and Furuya would have achieved success in teaching or suggesting that "a correcting device which corrects printing color, based on printing color correcting information of printing paper characteristics" and "measured humidity" received by "a network server." Moreover, there is no reasonable expectation provided that Banton and Furuya, when combined, successfully teach or suggest that "a correcting device which corrects printing color, based on printing color correcting information of printing paper characteristics" and "measured humidity" received by a network server." (Emphasis added) The argument has been fully considered but is not deemed to be persuasive because the argued limitation of "measured humidity received by a network

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server” is not addressed in claim 6. The one of limitations from claim 6 just requires “a correcting device which corrects print color, based on printing color correcting information and the measured humidity”. Thus, a correcting device just corrects print color based on printing color correcting information and the measured humidity without receiving from a network server.

Furthermore, the limitations of a correcting device and a network server from claim 6 do not communicate for exchanging the printing color correcting information. Thus, how can the correcting device know to use the received information from the network server ? and how can the network server know the correct information without knowing the measured humidity to provide the updated information to the image outputting apparatus ?

For the above reasons, it is believed that the cited prior art fully discloses the claimed invention and the rejection stand.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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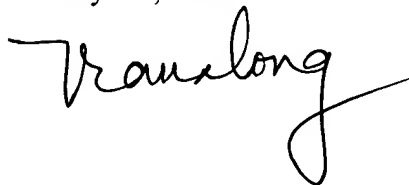
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Q. Tran whose telephone number is (571) 272-7442 or E-mail address is Douglas.tran@uspto.gov.

Douglas Q. Tran

May. 10, 2005

A handwritten signature in black ink, appearing to read "Tranlong", written in a cursive style.